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05-17-04

IFW

IN THE U.S. PATENT AND TRADEMARK OFFICE

U.S. Utility Patent Application S.N. 10/825,276

Title: SELF-VENTING MICROWAVE COOKING CONTAINER FOR USE WITH A
VERTICAL FILL AUTOMATED MACHINE

Inventor(s): Hopkins

Filed: April 13, 2004

Group Art Unit: Not yet assigned

Examiner: Not yet assigned

Attorney Docket No.: ST288/OST12-U

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, Alexandria, Virginia 22313-1450, on May 13, 2004.

Name Memorie Stofferahn

Signature Memorie Stofferahn

PETITION PURSUANT TO 37 CFR §1.10(d)

Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicant hereby petitions that the above referenced patent application be assigned a filing date different than the date-in stamped on the return postcard. The self-addressed return



postcard, returned to this office upon receipt of the referenced application at the PTO, shows a filing date of April 15, 2004 as evidenced on the copy of the postcard attached to this Petition as Attachment A.

Applicant, through his attorney, filed the referenced application via Express Mail under 37 C.F.R. §1.10 on April 13, 2004 by depositing the application in a proper Express Mail receptacle before the specified pickup time shown. Included in the application package was a Certificate of Express Mailing, showing the Express Mail label number EV 290542762 US, and a mailing date of April 13, 2004. A true copy of this Certificate of Express Mailing is attached to this Petition as Attachment B.

Upon this office's receipt of the return postcard showing the date-in at the PTO as April 15, 2004, we contacted the United States Postal Service to inquire about the delay in processing the package. The USPS, through their Customer Service Representative at the Postal Business Center, was unable to explain the discrepancy.

As shown by the following Attachments, the procedures for filing this application clearly comply with 37 C.F.R. §1.10 with respect to obtaining a "date in" filing date. Due to an apparent error by the USPS, the "date in" on the Express Mail receipt was not the date the application was properly deposited by Express Mail and consequently, the "date in" shown on the return postcard does not truly reflect the actual filing date.

Applicant requests that the "date in" be changed to reflect the date the application was duly deposited, namely, **April 13, 2004** as set forth in 37 C.F.R. §1.10.

Additionally, Applicants request that all pertinent USPTO records relating to the instant Application be changed to reflect the correct filing date.



No fee is required for this Petition.

Respectfully submitted,

David W. Nagle, Jr.
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STITES & HARBISON, PLLC
400 W. Market Street
Louisville, Kentucky 40202-3352
Phone (502) 587-3400
Facsimile (502) 587-6391

ST288:0ST12:375266:1:LOUISVILLE

The stamp of the mail room of the US. Patent and Trademark Office will acknowledge receipt of the following for: SELF-VENTING MICROWAVE COOKING CONTAINER FOR USE WITH A VERTICAL FILL AUTOMATED MACHINE (Atty. Docket #ST288/0ST12-U - Steamway):

Utility Patent Application Transmittal with Certificate of Express Mailing, dated April 13, 2004; Utility Application including 20 sheets of specification and 4 sheets of drawings; Declaration and Power of Attorney; Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i); Assignment with Recordation Form Cover Sheet; Fee Transmittal and a check in the amount of \$425.00 to cover filing and recordation fee.

17302 U.S. PTO
10/825276



Attachment A

CANCELLED

CERTIFICATE OF EXPRESS MAILING

EV290542762US

Inventor: Hopkins

Title: SELF-VENTING MICROWAVE COOKING CONTAINER FOR USE
WITH A VERTICAL FILL AUTOMATED MACHINE

Atty. Docket: ST288/OST12-U

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PATENT APPLICATION
Commissioner for Patents
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On

April 13, 2004

Date

Memorie Stofferahn

Signature

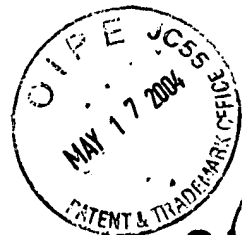
Memorie Stofferahn

Typed or printed name of person signing Certificate

Enclosures:

- Utility Patent Application Transmittal
- Utility Patent Application including:
 - 20 sheets of specification
 - 4 sheets of drawings
- Declaration and Power of Attorney
- Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
- Assignment with Recordation Form Cover Sheet
- Fee Transmittal
- Check in the amount of \$425.00 for filing and recordation fees
- Return postcard

Attachment B



EV 290542762 US

**EXPRESS
MAIL**

UNITED STATES POSTAL SERVICE®

Customer Copy
Label 11-F June 2002**Post Office To Addressee****ORIGIN (POSTAL USE ONLY)**

PO ZIP Code 40031	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input type="checkbox"/>
Date In 4/15/04	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.45
Time In 7:34	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight 8 lbs. ozs.	Int'l Alpha Country Code	GOD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials JK	Total Postage & Fees \$

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

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X402690Federal Agency Acct. No. or
Postal Service Acct. No.**FROM: (PLEASE PRINT)**PHONE **502, 587-3400****STITES & HARBISON
400 W MARKET ST STE 1800
LOUISVILLE KY 40202-3352****ST288/OST12 Steamway Franchise Sales****TO: (PLEASE PRINT)**

PHONE ()

**Mail Stop PATENT APPLICATION
Commissioner for Patents
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